

**SATTERLEE STEPHENS BURKE & BURKE LLP**

230 PARK AVENUE  
NEW YORK, NY 10169-0079  
(212) 818-9200  
Fax (212) 818-9606

E-Mail: [wsaurack@ssbb.com](mailto:wsaurack@ssbb.com)  
Direct Dial: (212) 404-8703

51 JOHN F. KENNEDY PARKWAY  
FIRST FLOOR WEST  
SHORT HILLS, NJ 07078-2713  
(973) 218-2509  
FAX (973) 218-2401

[www.ssbb.com](http://www.ssbb.com)

July 1, 2014

**By ECF**

The Honorable Lorna G. Schofield  
United States District Court  
Southern District of New York  
Daniel Patrick Moynihan U.S. Courthouse  
500 Pearl Street  
New York, New York 10007

Re: 1:10-cv-03959, *Kriss et al v. Bayrock Group LLC et al.*  
Plaintiffs' request for oral argument

Dear Judge Schofield:

We represent defendants Bayrock Group LLC, Bayrock Spring Street LLC, Bayrock Whitestone LLC, Bayrock Camelback LLC, and Bayrock Merrimac LLC (collectively herein, "Bayrock"). We write regarding Plaintiffs' June 30, 2014 letter to the Court requesting oral argument on their motion for relief from certain aspects of magistrate's pre-trial orders.

Not content with exceeding page limits in their reply brief, Plaintiffs submit two more pages of additional argument styled as a request for oral argument. Only one line in their letter concerns the request for oral argument, the rest is devoted to an improper sur-reply arguing the merits of their motion. The Court should decline to consider Plaintiffs' additional and improper arguments.

Bayrock also opposes the request for oral argument. The issues are clear from Judge Maas's May 29 Order and the motion papers and no oral argument is necessary. Plaintiffs have failed to show why an expedited proceeding is necessary. The First Amended Complaint ("FAC") has been sealed for months, pending Judge Maas's determination of whether the allegations in the FAC were improperly based on purloined documents. The delay in making that determination has been solely Plaintiffs' making as they failed to comply with Judge Maas's initial order in September 2013 to cite the sources for the FAC.

If the Court decides to schedule expedited oral argument, we advise the Court that counsel for Bayrock is unavailable on July 3 and 7.

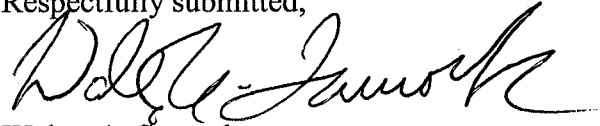
SATTERLEE STEPHENS BURKE & BURKE LLP

Hon. Lorna G. Schofield

July 1, 2014

Page 2

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Walter A. Saurack", written in a cursive style.

Walter A. Saurack

cc: (via email) Frederick M. Oberlander, Esq.

Richard Lerner, Esq.

Michael Beys, Esq.